

REMARKS

Applicant has received and reviewed the Office Action of April 4, 2006. Applicant appreciates the indication that claims 9, 10, 37 and 38 contain allowable subject matter. Claims 1-2, 5-7, 16, 28-29 and 53-56 have been amended, claims 24-25, 34-35 and 39-40 withdrawn, and claims 41-52 canceled. Reconsideration of the application is requested.

Claims 1-6, 13, 14, 16, 19, 20, 26, 27, 29, 53, 54, 58 and 59 have been rejected on the grounds of non-statutory obviousness-type double patenting on the basis of claim 10 of US Patent No. 6,986,216. It is noted that claim 10 is a dependent claim and that there are unobvious differences between claim 1 (i.e., the claim from which claim 10 ultimately depends) and the identified claims of this application. Accordingly, Applicant does not agree that this rejection is proper. Nevertheless, a terminal disclaimer is submitted with this Amendment to advance the prosecution of the application.

Claims 1-7, 11-18, 21-23, 27-33, 36 and 53-57 have been rejected under 35 USC 102(b) as being anticipated by US Patent No. 5,964,547 to Brinkley. Applicant traverses this rejection.

Claims 1 and 53 each recites a wedge having a leading end, a trailing end, a rounded cross section, and a helical thread extending axially along an exterior surface of the wedge. They also recite that the wedge tapers toward the leading end along substantially its entire length, and that the helical thread is threadedly coupled to a thread formation in the opening such that rotation of the wedge moves the wedge into the opening to tighten the lock in the opening.

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The examiner has characterized the screw member 38 of Brinkley as the claimed wedge. However, this screw member is neither tapered along substantially its entire length nor driven into the opening by its rotation. Rather, the spool 24 with its screw member 38 is placed into the opening with its arms 30a, 30b straddling the lip. The screw member 38 does not move from this position no matter how much it is rotated. Moreover, aside from the short transition from the threads to the wrench-engaging formation, there is no narrowing of the screw member. Accordingly, the screw member does not taper along substantially its entire length as claimed. For these reasons, Brinkley does not anticipate claim 1 or 53.

Claim 36 recites a wear assembly having a cradle fit between the wedge and the front of the opening, wherein the cradle has a curved front surface generally about a transverse axis to effect shifting of the vertical orientation of the wedge as the wear member shifts longitudinally on the support structure during use. This construction is illustrated, for example, in Figure 18b of the application, by cradle 200 which has a forward-facing concave surface that curves about a transverse axis.

The examiner characterizes wedge 33 in Brinkley as the claimed cradle. While wedge 33 has a curved front surface as shown in Figure 5, this curve is about a longitudinal axis not a transverse axis as claimed. As seen in Figure 1, the front surface of wedge 33 in Brinkley is linear in the relevant direction rather than curved about a transverse axis. Moreover, Applicant does not understand how the curvature in Brinkley would effect shifting of the vertical orientation of the wedge as the wear member shifts longitudinally and asks the examiner to explain this matter if this rejection is continued.


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All of the other claims depend from claim 1, 36 or 53. Allowance of all of the claims is requested.

Respectfully submitted,

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